

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

NOV 12 2020

GIACOMETTO RANCH INC. a  
Montana Corporation, TOM  
GIACOMETTO, a resident of  
Montana, and ROBERT  
GIACOMETTO, a resident of South  
Dakota,

Plaintiffs,

vs.

DENBURY ONSHORE LLC, a  
Delaware Corporation, and  
DENBURY OPERATING  
COMPANY, a Delaware Corporation,

Defendants.

CV 16-145-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

Clerk, U S District Court  
District Of Montana  
Billings

The United States Magistrate Judge filed Findings and Recommendations on July 15, 2020. (Doc. 78). The Magistrate recommended that Defendants' Motion for Partial Summary Judgment (Doc. 50) be granted and Plaintiffs' Rule 56(d) Motion (Doc. 60) be denied. (Doc. 78 at 29).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 78) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendants’ Motion for Partial Summary Judgment (Doc. 50) is GRANTED and Plaintiffs’ Rule 56(d) Motion (Doc. 60) is DENIED.

DATED this 12<sup>th</sup> day of November, 2020.

  
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SUSAN P. WATTERS  
United States District Judge